

## REMARKS

### Examiner's Interview Summary

As per telephone messages exchanged between Applicants and the Examiner, Applicants understand the of the above referenced Office Action is to be regarded as a non-final Office Action. Applicants are responding to the of the above referenced Office Action accordingly.

### 112 Rejections

Paragraphs 1 and 2 of the above referenced Office Action state that Claims 7 and 15 are rejected as being indefinite. Applicants have herein canceled Claims 7 and 15 without prejudice.

### 102 Rejections

Paragraph 5 of the above referenced office action states that Claim 1 is rejected under 35 U.S.C. § 102 as being clearly anticipated by Cote et al., U.S. Patent No.5,534,106 (hereafter Cote). Applicants respectfully submits that the present invention as recited in Claims 1 and 10 is not anticipated within the meaning of 35 U.S.C. § 102 by Cote.

Specifically, with respect Claim 1,

a polishing surface of an overlying layer included in said polishing pad, said overlying layer being a uniform homogenous layer across the area of said polishing surface, said polishing surface adapted to frictionally contact a wafer in said wafer polishing machine;

Applicants respectfully submits that the present invention as recited in newly amended Claim 1 is not anticipated within the meaning of 35 U.S.C. § 102 by Cote. Specifically, the cited section of Cote does not explicitly disclose

underlying layers having different hardness beneath a uniform homogenous overlying layer. As explicitly claimed, the polishing surface of the present invention has an overlying layer providing a uniform homogenous quality across the area of its polishing surface.

With respect to independent Claim 10, Claim 10 includes the limitations of Claim 1 regarding the overlying layer being a uniform homogenous layer. Accordingly, Applicants respectfully assert that the present invention as recited in each of independent Claim 10 is not anticipated by Cote within the meaning of 35 U.S.C. § 102(b).

### 103 Rejections

Paragraph 5 and 6 of the above referenced Office Action states that Claims 4, 9 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cote et al. Cote does not disclose a linear pad as recited in dependent Claims 4, 9, and 17. In addition to not showing a linear pad, Applicants respectfully submit that Cote does not show a polishing pad having a first and second underlying layer having differing hardness beneath a uniform homogenous overlying layer. As such, Applicants respectfully assert that the present invention as recited in dependent Claims 9 and 17 is not shown, suggested, or rendered obvious by Cote within the meaning of 35 U.S.C. § 103(a).

Additionally, dependent Claim 4, for example, adds limitations describing the first and second underlying layers "having differing amounts of thickness when said wafer is frictionally moved against said polishing pad" to achieve the specific polishing effect. Applicants respectfully submit that underlying layers

having different thickness as recited in Claim 1 is not shown or suggested by Cote.

Since each dependent claim includes the limitations of the respective independent claim, Applicants respectfully submit that the dependent claims each overcome the rejections of record.

Conclusion

In light of the above-listed amendments and remarks, Applicant respectfully requests reconsideration of the rejected Claims. Claims 7 and 15 are canceled without prejudice. Applicants respectfully submit that independent Claims 1 and 10 overcome the 35 U.S.C. § 102 rejections based on Cote and the 35 U.S.C. § 103 rejections based on Cote. Accordingly, Applicants submit that all remaining claims are now in condition for allowance.

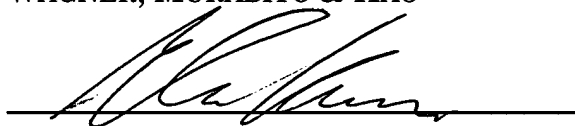
The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO

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